

G

27428967596

27428967596

CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated: 09/01/2006
Database Last Updated: 12-20-2006
Update Frequency: DAILY
Current Date: 12/20/2006
Source: AS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE

COMPANY INFORMATION

Name: **SISTEMA INTERNACIONAL DE TRANSPORTE DE AUTOBUSES, INC.**
Address: 600 SIX FLAGS DR SUITE 300
ARLINGTON, TX 76011

FILING INFORMATION

Identification Number: 0012260006
Filing Date: 08/21/1998
State of Incorporation: DELAWARE
Duration: PERPETUAL
Status: IN EXISTENCE
Corporation Type: PROFIT
Business Type: FOREIGN CORPORATION
Address Type: MAILING

Where Filed: SECRETARY OF STATE
1019 BRAZOS ST
AUSTIN, TX 78701

REGISTERED AGENT INFORMATION

Name: CT CORPORATION SYSTEM
Address: 350 N. ST. PAUL STREET
DALLAS, TX

PRINCIPAL INFORMATION

Name: STEPHEN E GORMAN
Title: PRESIDENT
Address: PO BOX 660606
DALLAS, TX 75266

Name: STEPHEN E GORMAN
Title: CHIEF EXECUTIVE OFFICER
Address: PO BOX 660606
DALLAS, TX 75266

Name: STEPHEN E GORMAN
Title: DIRECTOR
Address: PO BOX 660606

27428967596

http://web2.westlaw.com/result/documenttext.aspx?blinkedcitelist=F

DALLAS, TX 75266

Name: ALFONSO PENEDO
Title: VICE PRESIDENT
Address: PO BOX 660606
DALLAS, TX 75266

Name: ALFONSO PENEDO
Title: CHIEF OPERATING OFFICER
Address: PO BOX 660606
DALLAS, TX 75266

Name: ALFONSO PENEDO
Title: DIRECTOR
Address: PO BOX 660606
DALLAS, TX 75266

Name: CHERYL W FARMER
Title: VP-FINANCE
Address: PO BOX 660606
DALLAS, TX 75266

Name: MARK E SOUTHERST
Title: SECRETARY
Address: PO BOX 660606
DALLAS, TX 75266

Name: SUSAN A WHITTAKER
Title: ASSISTANT SECRETARY
Address: 600 SIX FLAGS DR SUITE 300
ARLINGTON, TX 76011

Name: MARK K DUCKWORTH
Title: TREASURER
Address: PO BOX 660606
DALLAS, TX 75266

Name: JACK W HAUGSLAND
Title: DIRECTOR
Address: PO BOX 660606
DALLAS, TX 75266

AMENDMENT INFORMATION

Amendments: 03/03/2006 MISCELLANEOUS PUBLIC INFORMATION REPORT (PIR)
02/06/2005 MISCELLANEOUS PUBLIC INFORMATION REPORT (PIR)
10/18/2003 MISCELLANEOUS PUBLIC INFORMATION REPORT (PIR)
02/15/2003 MISCELLANEOUS PUBLIC INFORMATION REPORT (PIR)

27428967596

08/21/1998 MISCELLANEOUS APPLICATION FOR CERTIFICATE OF AUTHORITY

ADDITIONAL DETAIL INFORMATION

Additional Details:

STATE TAXPAYER IDENTIFICATION NUMBER: 17525486175

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
to order copies of documents related to this or other matters.
Additional charges apply.

THE PRECEDING PUBLIC RECORD DATA IS FOR INFORMATION PURPOSES ONLY AND IS NOT THE OFFICIAL RECORD. CERTIFIED
COPIES CAN ONLY BE OBTAINED FROM THE OFFICIAL SOURCE.

END OF DOCUMENT

(C) 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

H

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): LexisNexis File & Serve SOP Morales & Gary 2300 Contra Costa Blvd Pleasant Hill, CA 94523-3961 TELEPHONE NO.: 9252881776 FAX NO. (Optional): 9252881856 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): INTERSTATE FIRE & CASUALTY COMPANY		FOR COURT USE ONLY
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: INTERSTATE FIRE & CASUALTY COMPANY		CASE NUMBER: EDCV06-0593 VAP(OPX)
DEFENDANT/RESPONDENT: PACIFIC EMPLOYERS INSURANCE COMPANY		
PROOF OF SERVICE - CIVIL		Ref. No. or File No.: 14082220

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the (specify documents):
Subpoena; Attachment; Notice of Taking Deposition of Keith Koeller
3. a. Party served (specify name of party as shown on documents served):
KEITH KOELLER, NAMED DEFENDANT, A white male approx. 45-55 years of age 5'6"-5'8" in height weighing 160-180 lbs with black hair
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
3 PARK 3 Park SUITE 1500, IRVINE, CA 92614
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **3/13/2007** (2) at (time): **1:45 PM**
 - b. ☐ **by substituted service.** On (date): (2) at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person of at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PROOF OF SERVICE - CIVIL

Order No. 8205158



AO88 (Rev. 12/06) Subpoena in a Civil Case

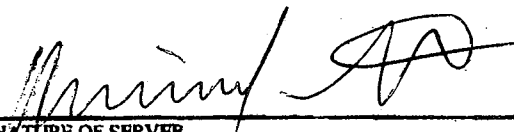
PROOF OF SERVICE

SERVED	3/13/07	3 Park Plaza, Suite 1500, Irvine, CA.92614
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
KEITH KOELLER	PERSONAL SERVICE	
SERVED BY (PRINT NAME)	TITLE	
RICHARD STEIBER	PROCESS SERVER	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 3/14/07
DATE


SIGNATURE OF SERVER
633 Yesler Way
ADDRESS OF SERVER
Seattle, WA. 98104

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nevertheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

PLAINTIFF/PETITIONER: INTERSTATE FIRE & CASUALTY COMPANY	CASE NUMBER: EDCV06-0593 VAP(OPX)
DEFENDANT/RESPONDENT: PACIFIC EMPLOYERS INSURANCE COMPANY	

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
(1) on (date): (2) from (city):
(3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30)
(4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)
- d. ☐ by other means (specify means of service and authorizing code section):
- ☐ Additional page describing service is attached.

6. Person who served papers

- a. Name: Richard Steiber
b. Address: 2112 E. 4th street, suite 218, Santa Ana, CA 92705
c. Telephone number: 206-521-2947
d. The fee for service was: \$
e. I am:
(1) ☐ not a registered California process server.
(2) ☐ exempt from registration under Business and Professions Code section 22350(b).
(3) ☒ registered California process server:
(i) ☐ owner ☐ employee ☒ independant contractor
(ii) ☒ Registration No.: 1852
(iii) ☒ County: Orange

7. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or

8. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.
Date: 3/14/2007

Richard Steiber
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)



AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

INTERSTATE FIRE & CASUALTY COMPANY

SUBPOENA IN A CIVIL CASE

V.

PACIFIC EMPLOYERS INSURANCE COMPANY

Case Number:¹ EDVC06-0593 VAP (OPx)

TO: KEITH KOELLER
Koeller, Nebeker, Carlson & Haduck
3 Park Plaza, Suite 1500, Irvine, CA 92614

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Koeller, Nebeker, Carlson & Haluck
3 Park Plaza, Suite 1500, Irvine, CA 92614

DATE AND TIME

3/29/2007 10:00 am

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Attachment A to this Subpoena.

PLACE

Koeller, Nebeker, Carlson & Haluck
3 Park Plaza, Suite 1500, Irvine, CA 92614

DATE AND TIME

3/29/2007 10:00 am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

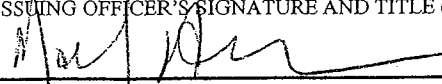
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

 Attorney for Defendant

3/9/2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Marilyn A. Rogers
Morales & Gary, 2300 Contra Costa Blvd., Suite 310, Pleasant Hill, CA 94523, (925) 288-1776

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

ATTACHMENT A

List of Documents to Produce

Keith Koeller and Koeller, Nebeker, Carlson & Haluck (hereinafter "KNCH") are requested to produce the following documents at the time of Deposition:

1. Any documents regarding, relating or referring to your and/or KNCH's investigation, handling, defense and/or settlement of the following actions (hereinafter referred to as the "Underlying Actions"):

- (1) *Socorro Mendoza, et al. v. Gonzalez, Inc. dba Golden State Transportation, et al.*, Riverside County Superior Court, Case No. 391704;
- (2) *Alfred Chacon, et al. v. Golden State Transportation Services, Inc., et al.*, Los Angeles County Superior Court, Case No. BC298227 (later filed in Riverside County Superior Court, Case No. RIC 406050);
- (3) *Maria Delgado, et al. v. Miguel Pulido, et al.*, Riverside County Superior Court, Case No. INC 037713;
- (4) *Arminda Gonzalez, et al. v. Golden State Transportation Services*, Riverside County Superior Court, Case No. INC 037910;
- (5) *Liz Huerta, et al. v. Greyhound Lines, Inc., et al.*, Los Angeles County Superior Court, Case No. BC301249 (later filed in Riverside County Superior Court, Case No. RIC406066);
- (6) *Juan Montero, et al. v. Golden State Bus Lines, Inc., et al.*, United States District Court, Central District, Case No. CV 03-6041 (later filed in Riverside County Superior Court, Case No. INC 038854);
- (7) *Jose Trinidad Romo, et al., v. Sita, Inc., et al.*, Riverside County Superior Court, Case No. INC 037382;
- (8) *Martha Vazquez, et al. v. Miguel Pulido, et al.*, Riverside County Superior Court, Case No. INC 037708; and
- (9) *Gaspar Zaragoza v. Golden State Transportation Co., Inc., et al.*, Riverside County Superior Court, Case No. INC 037760 (hereinafter jointly referred to as "the Underlying Lawsuits").

1 2. Any documents concerning any communications, written or verbal, regarding,
2 relating or referring to the Underlying Actions, including but not limited to, any reports to
3 Republic Western Insurance Company, Interstate Fire & Casualty Company and/or Fireman's
4 Fund.

Receipt 14082220

Receipt submitted on 3/9/2007 6:49:33 PM (ET)

Date/Time (ET)	Status
3/16/2007 3:13:00 PM	Received Signed Service Affidavit for order (Keith Koeller)
3/13/2007 4:45:00 PM	Successfully performed service (Keith Koeller)
3/9/2007 6:51:33 PM	Order request received (Order ID 8205158)
3/9/2007 6:51:23 PM	Service request has been submitted.

Fee Information

Fee Information	Total Recipients	Subtotal	Tax	Total
SOP Expedited Service Fee (under 2 business days)	1	\$175.00	\$0.00	\$175.00
(Credit)SOP Expedited Service Fee (under 2 business days)	-1	\$-80.00	\$0.00	\$-80.00
Totals		\$95.00	\$0.00	\$95.00

Document List

Document Title	File Name	Conversion Status	View
Notice of Taking Deposition of Keith Koeller	8762065_Notice-of-Depo.Koeller.pdf	Converted	PDF format Original format
Subpoena in a Civil Case	8762077_Subpoena.pdf	Converted	PDF format Original format
Signed Service Affidavit for order (Keith Koeller)	8845227_ServiceRequestConf.pdf	Converted	PDF format Original format

Recipients

Service Recipient	Address(es)	Description	Service Status
Koeller, Keith	Address Type: Business 3 Park Plaza, Suite 1500 Irvine, CA 92614	Gender: M	Served

Service Options

Service Options	Selected Option
Deadline for Service	3/12/2007
Hearing Date	
Billing Reference	AC4699
File Affidavit of Service with Court?	No
Special Instructions	California service from California firm and the rate should be \$95.00.

Contact Information

Contact Information

Name Casie Katusich
Contact Email Address ckatusich@moralesgary.com
Organization Morales & Gary
Organization Address 2300 Contra Costa Blvd Ste 310
Pleasant Hill, CA 94523-3961
Phone: (925) 288-1776
Fax: (925) 288-1856
Email: dmorales@moralesgary.com

I

241699

Marilyn Rogers

From: Marilyn Rogers [mrogers@moralesgary.com]
Sent: Tuesday, March 06, 2007 12:31 PM
To: 'Todd Baxter'
Subject: Interstate v. PEIC
Attachments: STP070306.MAR.wpd

Dear Todd,

Attached please find a draft of the parties' stipulation re facts and documents. This is a *rough* draft which I have not fully discussed with Todd Gary but I wanted to get you something so that we can start discussing what we can stipulate to. I saw your prior e-mail re facts re the driver and I have passed them on to Todd for his review. Hopefully we will be able to figure out what facts we can agree to in the next several days.

Sincerely yours,

Marilyn A. Rogers
MORALES & GARY
2300 Contra Costa Blvd., Ste. 310
Pleasant Hill, CA 94523
(925) 288-1776 / (925) 288-1856 facsimile

***** PLEASE NOTE *****

This E-Mail/telefax message and any documents accompanying this transmission may contain privileged and/or confidential information and is intended solely for the addressee(s) named above. If you are not the intended addressee/recipient, you are hereby notified that any use of, disclosure, copying, distribution, or reliance on the contents of this E-Mail/telefax information is strictly prohibited and may result in legal action against you. Please reply to the sender advising of the error in transmission and immediately delete/destroy the message and any accompanying documents. Thank you.

RAMIRO MORALES (SBN 167947)
rmorales@moralesgary.com
TODD B. GARY (SBN 161015)
tgary@moralesgary.com
MARILYN A. ROGERS (SBN 136908)
mrogers@moralesgary.com
MORALES & GARY
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, CA 94523
Telephone: (925) 288-1776
Facsimile: (925) 288-1856

Attorneys for Defendant
PACIFIC EMPLOYERS INSURANCE COMPANY

James P. Wagoner (SBN 058553)
Todd W. Baxter (SBN 152212)
Paul J. Whitfield (SBN 241651)
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP
P.O. Box 28912
5 River Park Place East
Fresno, CA 93720-1501
Telephone: (559) 433-1300
Facsimile: (559) 433-2300

Attorneys for Plaintiff
INTERSTATE FIRE & CASUALTY COMPANY,
an Illinois corporation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,

Plaintiff,

vs.

PACIFIC EMPLOYERS INSURANCE
COMPANY, a Pennsylvania corporation,

Defendant.

CASE NO. EDCV06-0593 VAP (OPx)

STIPULATION RE: FACTS AND
AUTHENTICITY AND ADMISSIBILITY
OF DOCUMENTS

1 Plaintiff INTERSTATE FIRE & CASUALTY COMPANY ("Interstate") and Defendant
2 PACIFIC EMPLOYERS INSURANCE COMPANY ("PEIC") hereby stipulate to the following
3 facts in this case as being true and accurate:

4 1. On August 24, 2002, a Golden State bus was involved in an accident in Riverside
5 County, in the State of California (hereinafter "the Accident").

6 2. Miguel Pulido ("Pulido") was the driver of the bus at the time of the accident.
7 While driving westbound on Interstate 10 in Riverside County, Pulido fell asleep at the wheel
8 which lead to Pulido losing control of the bus which overturned into the center divider resulting in
9 injuries to numerous passengers.

10 3. Pulido was employed as a bus driver by Golden State at the time of the accident.

11 4. The bus involved in the accident was a 1998 MCI passenger bus, Vehicle
12 Identification No. 1M8PDMPAXWP051175 (hereinafter "the 1998 Bus").

13 5. The following nine different actions were filed by the injured passengers:

- 14 (1) *Socorro Mendoza, et al. v. Gonzalez, Inc. dba Golden State Transportation,*
15 *et al.* Riverside County Superior Court, Case No. 391704;
- 16 (2) *Alfred Chacon, et al. v. Golden State Transportation Services, Inc., et al.,*
17 *Los Angeles County Superior Court, Case No. BC298227 (later filed in*
18 *Riverside County Superior Court, Case No. RIC 406050);*
- 19 (3) *Maria Delgado, et al. v. Miguel Pulido, et al.,* Riverside County Superior
20 Court, Case No. INC 037713;
- 21 (4) *Arminda Gonzalez, et al. v. Golden State Transportation Services,* Riverside
22 County Superior Court, Case No. INC 037910;
- 23 (5) *Liz Huerta, et al. v. Greyhound Lines, Inc., et al.,* Los Angeles County
24 Superior Court, Case No. BC301249 (later filed in Riverside County
25 Superior Court, Case No. RIC406066);
- 26 (6) *Juan Montero, et al. v. Golden State Bus Lines, Inc., et al.,* United States
27 District Court, Central District, Case No. CV 03-6041 (later filed in
28 Riverside County Superior Court, Case No. INC 038854;
- (7) *Jose Trinidad Romo, et al., v. Sita, Inc., et al.,* Riverside County Superior
Court, Case No. INC 037382;
- (8) *Martha Vazquez, et al. v. Miguel Pulido, et al.,* Riverside County Superior
Court, Case No. INC 037708;

(9) *Gaspar Zaragoza v. Golden State Transportation Co., Inc., et al.*, Riverside County Superior Court, Case No. INC 037760 (hereinafter referred jointly as "the Underlying Actions"). The Underlying Actions were ultimately consolidated.

6. Republic provided a defense to SITA, Golden State and Miguel Pulido in the Underlying Actions.

7. Greyhound Lines, Inc. ("Greyhound") was named and served in two of the Underlying Actions: the *Socorro Mendoza, et al. v. Gonzalez, Inc. dba Golden State Transportation, et al.* case ("Mendoza case") and the *Juan Montero, et al. v. Golden State Bus Lines, Inc., et al.* case ("Montero case").

8. Greyhound was named but never served in the *La Huerta, et al. v. Greyhound Lines, Inc., et al.* case.

9. Greyhound tendered its defense and indemnity of the *Montero* and *Mendoza* cases to Republic.

10. Republic acknowledged Greyhound's tender and agreed to defend Greyhound in the Underlying Actions as an additional insured under Republic's primary Automobile policy, Policy No. PBA0000343-01.

11. Greyhound was dismissed without prejudice from the *Mendoza* and *Montero* cases prior to the settlement of the Underlying Actions.

12. A criminal complaint was filed against Miguel Pulido in relation to the Accident.

13. Miguel Pulido plead nolo contendere to Violation of Vehicle Code Section 34306.3 and paid a fine of \$500.00.

14. The Underlying Actions were settled for a total of \$10,300,000. The settlements were paid as follows: Republic Western Insurance Company ("Republic") paid the limits of its \$5,000,000 primary Business Auto policy, Policy No. PBA0000343-01, and \$650,000 under its primary Commercial General Liability policy, Policy No. GLP0004163-01 and Interstate paid \$4,650,000 under its Automobile policy No. FFX6200401. Specifically the settlements were paid

as follows: [will fill in with specific payments in each case re: Republic and Interstate when we get through Republic payment documents]

15. The Republic Auto policy per occurrence limit of \$5,000,000 was exhausted by Republic's \$5,000,000 payment to settle the Underlying Actions.

16. Greyhound did not pay any portion of the \$10,300,000 settlement of the Underlying Actions.

17. PEIC did not pay any portion of the \$10,300,000 settlement of the Underlying Actions.

18. On July 29, 1998, Safeco Credit Company ("Safeco") and Greyhound entered into a Master Lease Agreement.

19. Pursuant to the Master Lease Agreement, Safeco leased to Greyhound a number of buses including the 1998 Bus.

20. On July 31, 1998, Greyhound and Golden State entered into a Master Sublease Agreement.

21. Pursuant to the Master Sublease Agreement, Greyhound agreed to sublease to Golden State a number of buses including the 1998 Bus.

22. SITA is a wholly owned subsidiary of Greyhound.

23. At the time of the Accident, Golden State was 51.4% owned by SITA and 34.6% owned by Gonzales, Inc. and 14% owned by Crucero International.

24. Golden State filed for bankruptcy under Chapter 11 on September 30, 2002.

25. As part of the Underlying Actions, the bankruptcy stay was lifted in order for plaintiffs to pursue Golden State's insurance in the Golden State bankruptcy proceeding.

Interstate and PEIC hereby stipulate to the authenticity and admissibility of the following documents:-----

A. The Master Lease Agreement entered into between Safeco Credit Company and Greyhound Lines, Inc. on July 29, 1998. A true and correct copy of this document is attached hereto as Exhibit _____.

1 B. The Master Sublease Agreement entered into between Greyhound Lines, Inc. and
2 Gonzales, Inc. dba Golden State Transportation Company ("Golden State") on July 31, 1998. A
3 true and correct copy of this document is attached hereto as Exhibit ____.

4 C. California Department of Motor Vehicles California Apportioned Cab Card for the
5 1998 MCI Bus, Vehicle Identification No. Im8PDMPAXWP051175.. A true and correct copy of
6 this document is attached hereto as Exhibit ____.

7 D. California Highway Patrol Traffic Collision Report. A true and correct copy of this
8 document is attached hereto as Exhibit ____.

9 E. Settlement Agreements for the Underlying Actions **[will list each separately]**.
10 True and correct copies of these documents are attached hereto as Exhibit ____.

11 F. Copies of Republic's and Interstate's checks re: settlement. **[Will list each**
12 **separately]** A true and correct copy of this document is attached hereto as Exhibit ____.

13 G. Republic Western Insurance Company's policy, Policy No. PBA0000343-01 in
14 effect from 8/31/01 to 8/31/02. A true and correct copy of this document is attached hereto as
15 Exhibit ____.

16 H. Republic Western Insurance Company's policy, Policy No. GLP0004163-01 in
17 effect from 8/31/01 to 8/31/02. A true and correct copy of this document is attached hereto as
18 Exhibit ____.

19 I. Interstate Fire and Casualty Company's policy, Policy No. FFX6200401 in effect
20 from 8/31/01 to 8/31/02. A true and correct copy of this document is attached hereto as Exhibit
21 ____.

22 J. Pacific Employers Insurance Company's policy, Policy No. XSA HO8002964 in
23 effect from 9/1/01 to 9/1/02. A true and correct copy of this document is attached hereto as Exhibit
24 ____.

25 K. Schedule of Greyhound Buses for and incorporated into the Pacific Employers
26 Insurance Company's policy, Policy No. XSA HO8002964. A true and correct copy is attached
27 hereto as Exhibit ____.

1 L. The March 22, 2005 letter from Keith D. Koeller of Koeller, Nebeker, Carlson &
2 Halick to PEIC. A true and correct copy of this document is attached hereto as Exhibit ____.

3 G. The November 5, 2003 facsimile from SITA to Doug Hardy of Republic. A true
4 and correct copy of this document is attached hereto as Exhibit ____.

5 H. The November 5, 2003 facsimile from Golden State to Lana Agajanian of Republic.
6 A true and correct copy of this document is attached hereto as Exhibit ____.

7 I. The December 17, 2002 letter from Jack Morgan, Golden State's bankruptcy
8 representative, to Interstate. A true and correct copy of this document is attached hereto as Exhibit
9 ____.

10 J. The January 7, 2003 letter from Brendan Brandt of Varner, Saleson & Brandt to
11 Interstate. A true and correct copy of this document is attached hereto as Exhibit ____.

12 K. The January 2, 2003 letter from Lana Agajanian of Republic to Brendan Brandt of
13 Varner, Saleson & Brandt. A true and correct copy of this document is attached hereto as Exhibit
14 ____.

15
16 SO STIPULATED:

MORALES & GARY

17
18 Executed on March ___, 2007

By: _____

Ramiro Morales
Todd B. Gary
Marilyn A. Rogers
Attorneys for Defendant
Pacific Employers Insurance Group

21
22
23 MCCORMICK BARSTOW SHEPPARD WAYTE &
CARRUTH

24
25 Executed on March ___, 2007

By: _____

26 James P. Wagoner
27 Todd Baxter
Attorneys for Plaintiff
Interstate Fire & Casualty Company

丁

*Rule 69
Discovery*

(SPACE BELOW FOR FILING STAMP ONLY)

James P. Wagoner, # 058553
Todd W. Baxter, # 152212
Paul J. Whitfield, # 241651
McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
P.O. Box 28912
5 River Park Place East
Fresno, CA 93720-1501
Telephone: (559) 433-1300
Facsimile: (559) 433-2300

Attorneys for Plaintiff
INTERSTATE FIRE & CASUALTY COMPANY,
an Illinois corporation,

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,,

Plaintiff,

v.

PACIFIC EMPLOYERS INSURANCE
COMPANY, a Pennsylvania
corporation,

Defendant.

Case No. EDCV06-0593 VAP (OPx)

**RE-NOTICE OF TAKING
DEPOSITION OF MIGUEL ANGEL
PULIDO**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff INTERSTATE FIRE & CASUALTY COMPANY ("INTERSTATE"), pursuant to Federal Rules of Civil Procedure Rule 45, will take the deposition of MIGUEL ANGEL PULIDO, 332 18th Street, Douglas, AZ 85626, on March 12, 2007, at 10:00 a.m. at Copper Queen Motel 11 Howell Avenue, Bisbee, AZ 85603, before a Certified Shorthand Reporter.

The deposition will be taken upon oral examination before a Notary Public, or other officer authorized by law to take depositions in the State of Arizona and may be recorded by a videographer. The oral examination will continue from day to day at the same place, Sundays and holidays excepted, until completed.

1 A list of all parties or attorneys for parties on whom this notice of deposition
2 is being served is shown on the accompanying proof of service.

3
4 Dated: March 6, 2007

MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

5
6
7 By: 

James P. Wagoner

Todd W. Baxter

Paul J. Whitfield

Attorneys for Plaintiff

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

INTERSTATE FIRE & CASUALTY COMPANY

SUBPOENA IN A CIVIL CASE

V.

PACIFIC EMPLOYERS INSURANCE COMPANY

Case Number:¹ EDCV06-0593 VAP (OPx)
United States District Court for the
Central District of California

TO: MIGUEL ANGEL PULIDO

332 18th Street
Douglas, AZ 85626

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Copper Queen Motel
11 Howell Avenue, Bisbee, AZ 85603

DATE AND TIME

March 12, 2007 @ 10:00 a.m.

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE


Attorneys for Defendant INTERSTATE FIRE & CASUALTY COMPANY

March 6, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Todd W. Baxter
McCormick, Barstow, Sheppard, Wayte & Carruth LLP
5 River Park Place East, Fresno, California, 93720

(559) 433-1300

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/06) Subpoena in a Civil Case

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte & Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On March 6, 2007, I served the within documents:

NOTICE OF TAKING DEPOSITION OF MIGUEL ANGEL PULIDO

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ **BY PERSONAL DELIVERY:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ **BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California addressed as set forth below.
- ☒ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☐ **BY ELECTRONIC SUBMISSION:** per court order, submitted electronically by Verilaw to be posted to the website and notice given to all parties that the document has been served.

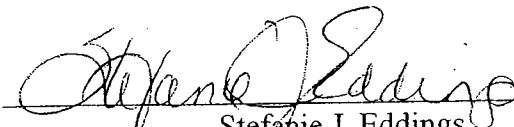
Marilyn A. Rogers, Esq.
Law Offices of Morales & Gary
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, California 94523

Courtesy Copy To:
Paulson Reporting & Litigation Services, Inc.
Worldwide Scheduling Division
101 Marietta Street
2700 Centennial Tower
Atlanta, GA 30303

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 6, 2007, at Fresno, California.


Stefanie J. Eddings

42395/00015-1069484.v1

P A U L S O N

REPORTING & LITIGATION SERVICES

Telephone: 619.239.4111
Toll Free: 800.300.1214
Facsimile: 619.239.4117
www.paulsonreporting.com

DANIEL R. OLSEN, ESQ.
MORALES & GARY
SUITE 310
2300 CONTRA COSTA BOULEVARD
PLEASANT HILL, CA 94523

Invoice #16847

Date	Terms
05/22/2007	NET 30

Assignment	Case	PI File #	Shipped	Shipped Via
03/12/2007	INTERSTATE vs. PACIFIC EMPLOYERS	3298	03/26/2007	F-S-0

Description

Copy Transcript of MIGUEL ANGEL PULIDO HERRERA

Amount Due: \$ 368.55
Paid: \$ 0.00

FOR PROPER CREDIT, PLEASE INCLUDE YOUR INVOICE
NUMBER ON CHECK.
CREDIT CARD PAYMENTS ARE ACCEPTED BY FAX.

Balance Due:	\$ 368.55
Payment Due:	06/21/2007

THANK YOU FOR YOUR BUSINESS!

After 07/01/2007 Pay This Amount: \$ 405.41

Tax ID No. 20-4667049

Method of Payment

☐ VISA

☐ MasterCard

☐ American Express

☐ Check Enclosed

Please Make Check Payable to Paulson Reporting Services

Authorized Amount _____

Signature (as it appears on your credit card)

Print Name (as it appears on your credit card)

Daytime Phone Number _____

Credit Card Number

Exp. Date

Remit to: Paulson Reporting Services, PO Box 79509, City of Industry, CA 91716-9509

AC 4699
okay to pay.
PKL
5/31/07

K

CORR

AC 4699

LAW OFFICES OF

MORALES & GARY

RAMIRO MORALES¹
TODD B. GARY[§]
CHRISTINE M. FIERRO
WILLIAM C. REEVES^{*}

MARILYN A. ROGERS
ELIZABETH B. CELNIKER
SHEILA A. REID
DANIEL R. OLSEN
AMBER V. COTTINGHAM
TINA HUANG

SPECIAL COUNSEL:
ERIC D. ESSER¹
STACY M. ROCHELEAU^{*}

2300 CONTRA COSTA BOULEVARD, SUITE 310
PLEASANT HILL, CALIFORNIA 94523
TEL: (925) 288 - 1776
FAX: (925) 288 - 1856

e-mail: morgary@moralesgary.com

NEVADA OFFICE

P.O. Box 13403
LAS VEGAS, NEVADA 89112
TEL: (702) 699 - 7822
FAX: (702) 699 - 9455

NEVADA OVERNIGHT DELIVERIES:
400 N. STEPHANIE ST., STE. 260
HENDERSON, NEVADA 89014

LICENSES

[§] CALIFORNIA, NEVADA & WASHINGTON
¹ CALIFORNIA, NEVADA & ARIZONA
¹ CALIFORNIA & NEVADA
^{*} NEVADA

April 6, 2007

Via U.S. Mail and Facsimile (559/433-2300)

Todd Baxter, Esq.
McCORMICK BARSTOW SHEPPARD WAYTE & CARRUTH
5 River Park Place East
P.O. Box 28912
Fresno, CA 93729

Re: Interstate Fire & Casualty Co. V. Pacific Employers Ins. Co.
U.S.D.C., Central District of California, Case No. EDC V06-0593 VAP
Our File No. AC4699

Dear Mr. Baxter:

We are in receipt of copies of Interstate's underwriting file for Policy No. FFX6200401, Interstate's Policy No. FFX6200400, and the underwriting file for that policy which you produced on April 2, 2007 in response to PEIC's First Set of Requests for Production of Documents. We would like to request that Interstate stipulate that what Interstate produced included: (1) an authentic copy of Interstate's underwriting file for Policy No. FFX6200401; and (2) an authentic copy of Interstate's underwriting file for Policy No. FFX6200400. A proposed Stipulation on this issue is enclosed for your review. If you agree, we request that you execute it and return it to our offices no later than April 16, 2007.

Sincerely,
MORALES & GARY


Marilyn A. Rogers

MAR:md
enclosure

RAMIRO MORALES (SBN 167947)
rmorales@moralesgary.com
TODD B. GARY (SBN 161015)
tgary@moralesgary.com
MARILYN A. ROGERS (SBN 136908)
mrogers@moralesgary.com
MORALES & GARY
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, CA 94523
Telephone: (925) 288-1776
Facsimile: (925) 288-1856

Attorneys for Defendant
PACIFIC EMPLOYERS INSURANCE COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,

Plaintiff,

vs.

PACIFIC EMPLOYERS INSURANCE
COMPANY, a Pennsylvania corporation,

Defendant.

CASE NO. EDCV06-0593 VAP (OPx)

STIPULATION RE: AUTHENTICITY
AND ADMISSIBILITY OF DOCUMENTS

Plaintiff INTERSTATE FIRE & CASUALTY COMPANY ("Interstate") and Defendant
PACIFIC EMPLOYERS INSURANCE COMPANY ("PEIC"), by and through their attorneys,
hereby stipulate to the following:

1. Documents produced by Interstate in response to PEIC's First Set of Request
for Production of Documents and identified by Bates numbers UF00001 through UF00105 are
authentic copies of Interstate's underwriting file for Policy No. FFX6200401.

///

///

///

2. Documents produced by Interstate in response to PEIC's First Set of Request for Production of Documents and identified by Bates number 400UF-00001-400UF-00052 is an authentic copy of Interstate's policy and underwriting file on Policy No. FFX6200400.

SO STIPULATED:

MORALES & GARY

Executed on April 6, 2007

By: 

Ramiro Morales
Todd B. Gary
Marilyn A. Rogers
Attorneys for Defendant
Pacific Employers Insurance Group

MCCORMICK BARSTOW SHEPPARD WAYTE &
CARRUTH

Executed on April ___, 2007

By: _____

James P. Wagoner
Todd Baxter
Attorneys for Plaintiff
Interstate Fire & Casualty Company

S:\DOCS\VAC4699\STP070406.MAR.wpd

Message Confirmation Report

Date/Time : APR-06-2007 12:34PM FRI
Fax Number : 9252880273
Fax Name : MORALES & GARY
Model Name : 1815dn

No.	Name/Number	StartTime	Time	Mode	Page	Result
419	15594332300	04-06 12:31PM	01'55	ECM	004/004	O.K

LAW OFFICES OF
MORALES & GARY

2300 CONTRA COSTA BOULEVARD, SUITE 310
PLEASANT HILL, CALIFORNIA 94523
TEL: (925) 288-1776
FAX: (925) 288-1856
E-MAIL: murgary@morgary.com

NEVADA OFFICE
P.O. BOX 13403
LAS VEGAS, NEVADA 89112
TEL: (702) 459-7022
FAX: (702) 459-9455

FACSIMILE COVER SHEET

Date: April 6, 2007
To: Todd Baxter, Esq.
Facsimile: 559/433-2300
From: Marilyn A. Rogers (md)
Re: *Interstate Fire & Casualty Company v. Pacific
Employers Insurance Company*

Our File No.: AC4699

Number of pages including this page: 4

Hard copy to follow: Yes

Comments: PLEASE SEE ATTACHED CORRESPONDENCE OF TODAY'S DATE, TOGETHER WITH IT A [PROPOSED] STIPULATION.

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

2

TODD B. GARY (SBN 161015)
tgary@moralesgary.com
MARILYN A. ROGERS (SBN #136908)
mrogers@moralesgary.com
MORALES & GARY
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, CA 94523
Telephone: (925) 288-1776
Facsimile: (925) 288-1856

Attorneys for Defendant
PACIFIC EMPLOYERS INSURANCE COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,

Plaintiff,

vs.

PACIFIC EMPLOYERS INSURANCE
COMPANY, a Pennsylvania corporation,

Defendant.

REPUBLIC WESTERN INSURANCE
COMPANY, an Arizona Corporation,

Intervenor.

CASE NO. EDCV06-0593 VAP (OPx)

NOTICE OF TAKING DEPOSITION OF
PERSON OR PERSONS MOST
KNOWLEDGEABLE OF PLAINTIFF
INTERSTATE FIRE & CASUALTY
COMPANY AND REQUEST FOR
PRODUCTION

Date: July 18, 2007
Time: 10:30 a.m.
Location: 4601 DTC Boulevard
Denver, Colorado 80237

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant PACIFIC EMPLOYERS INSURANCE
COMPANY ("PEIC"), pursuant to Federal Rules of Civil Procedure, Rules 30 and 45, will take the
deposition of the Person or Persons Most Knowledgeable of Plaintiff INTERSTATE FIRE &
CASUALTY COMPANY ("INTERSTATE") at a conference room in the Interstate/Fireman's
Fund complex located at 4601 DTC Boulevard, Denver, Colorado 80237, on July 18, 2007, at
10:30 a.m., before a Certified Shorthand Reporter.

1 Notice is hereby given that PEIC will take the deposition of INTERSTATE's Person or
2 Persons Most Knowledgeable upon oral examination regarding the following categories:

3 1. The tender of defense and/or indemnity of the UNDERLYING ACTIONS to
4 INTERSTATE by any entity.

5 2. INTERSTATE's investigation, handling and settlement of the UNDERLYING
6 ACTIONS.

7 3. All COMMUNICATIONS, written or verbal, INVOLVING, REGARDING,
8 RELATING, or REFERRING to the UNDERLYING ACTIONS.

9 4. The terms and conditions of INTERSTATE's Policy No. FFX6200401.

10 5. The underwriting and/or issuance of INTERSTATE's Policy No. FFX6200401.

11 6. The terms and conditions of INTERSTATE's Policy No. FFX6200400.

12 7. The underwriting and/or issuance of INTERSTATE's Policy No. FFX600400.

13 8. The terms and conditions of REPUBLIC's Policy No. PBA0000343-01.

14 9. The terms and conditions of REPUBLIC's Policy No. GLP0004163-01.

15 10. The tender of defense and/or indemnity of the UNDERLYING ACTIONS to
16 REPUBLIC under any policy.

17 11. Any response by REPUBLIC to any tender of defense and/or indemnity of the
18 UNDERLYING ACTIONS

19 12. Any agreement made between INTERSTATE and REPUBLIC regarding the
20 settlement of the UNDERLYING ACTIONS.

21 13. Any agreement made between INTERSTATE and REPUBLIC regarding coverage
22 for the UNDERLYING ACTIONS under REPUBLIC's Policy No. GLP0004163-01.

23 For the purposes of this Notice and the accompanying Requests for Documents, the
24 following definitions apply:

25 1. CONCERNING means relating to, referring, comprising, reflecting, evidencing,
26 constituting, pertaining to, dealing with and/or showing.

27 ///

28 ///

2. DOCUMENTS means by way of illustration, but not by way of limitation, correspondence, teletype messages, telegrams, contracts, agreements, memoranda, understandings, e-mails, notes, rough drawings, bulletins, circulars, diagrams, interoffice communications, books of account, tax statements, ledgers, journals, checks, check registers, passbooks, invoices, bills orders, quotations, stock certificates, financial statements, statements of account, statements of liability, balance sheets, graphs and plans and any other writing memorializing, reflecting, referring to, relating to, or evidencing the subject of each DOCUMENT or group of DOCUMENTS request. The term DOCUMENTS means the original, including all duplicates, copies or drafts, any non-identical copy or copies that differ from the original for any reason, including but not limited to, the making of notes thereon, of any writing and paper, book or record of whatever kind or description, electronic, or photographic or other means, and shall include any recorded, taped, filmed or graphic matter or phonic (e.g. any tape recording) or visual reproduction or record of any oral statement, conversation or event.

3. REPUBLIC means Intervenor Republic Western Insurance Company and/or any and all of its parent companies, subsidiaries and subdivisions, predecessors and/or successors, as well as its agents, servants, employees, attorneys or anyone acting on or for its behalf.

4. REPUBLIC CGL POLICY means REPUBLIC'S Commercial General Liability Policy No. GLP0004163-01 issued to SITA, Inc. dba Americanos USA LLC, Golden State Transportation Inc. and Autobuses Amigos effective August 31, 2001 through August 31, 2002.

5. "INTERSTATE" as used herein means Plaintiff INTERSTATE FIRE & CASUALTY COMPANY, including any and all parent companies and/or corporations, including, but not limited to, predecessors and successors, agents, employees, officers, attorneys, and/or anyone acting on its behalf.

6. "COMMUNICATION" or "COMMUNICATIONS" as used herein means any transmission of information from one person or entity to another, including, but not limited to, by personal meeting, United States mail, overnight mail, telephone, facsimile, electronic mail, and/or teleconference, excepting any COMMUNICATION that is subject to a legal and valid privilege or protection.

7. "INVOLVING, REGARDING, RELATING, or REFERRING" as used herein means evidencing, discussing, referencing, consisting of, reflecting, or being in any way legally, logically, or factually connected with the matter(s) discussed.

8. "UNDERLYING ACTIONS" as used herein means the following lawsuits:

- (1) *Socorro Mendoza, et al. v. Gonzalez, Inc. dba Golden State Transportation, et al.*, Riverside County Superior Court, Case No. 391704;
- (2) *Alfred Chacon, et al. v. Golden State Transportation Services, Inc., et al.*, Los Angeles County Superior Court, Case No. BC298227 (later filed in Riverside County Superior Court, Case No. RIC 406050);
- (3) *Maria Delgado, et al. v. Miguel Pulido, et al.*, Riverside County Superior Court, Case No. INC 037713;
- (4) *Arminda Gonzalez, et al. v. Golden State Transportation Services*, Riverside County Superior Court, Case No. INC 037910;
- (5) *Liz Huerta, et al. v. Greyhound Lines, Inc., et al.*, Los Angeles County Superior Court, Case No. BC301249 (later filed in Riverside County Superior Court, Case No. RIC406066);
- (6) *Juan Montero, et al. v. Golden State Bus Lines, Inc., et al.*, United States District Court, Central District, Case No. CV 03-6041 (later filed in Riverside County Superior Court, Case No. INC 038854);
- (7) *Jose Trinidad Romo, et al., v. Sita, Inc., et al.*, Riverside County Superior Court, Case No. INC 037382;
- (8) *Martha Vazquez, et al. v. Miguel Pulido, et al.*, Riverside County Superior Court, Case No. INC 037708; and
- (9) *Gaspar Zaragoza v. Golden State Transportation Co., Inc., et al.*, Riverside County Superior Court, Case No. INC 037760 (hereinafter jointly referred to as "the Underlying Lawsuits");

PLEASE TAKE FURTHER NOTICE that PLAINTIFF INTERSTATE is required to produce the following original documents and things for copying and examination at said deposition pursuant to the provisions of Rules 30 and 34 of the Federal Rules of Civil Procedure:

1. A certified copy of INTERSTATE's Policy No. FFX6200401.
2. A certified copy of INTERSTATE's Policy No. FFX6200400.
3. The underwriting file for INTERSTATE's Policy No. FFX6200401.

1 4. The underwriting file for INTERSTATE's Policy No. FFX6200400.

2 5. Any and all of INTERSTATE's claims files regarding the UNDERLYING
3 ACTIONS.

4 6. Any DOCUMENTS concerning communications between INTERSTATE and
5 REPUBLIC regarding the investigation, handling, coverage and/or settlement of the
6 UNDERLYING ACTIONS.

7 7. Any and all DOCUMENTS regarding any and all tenders and/or claims for benefits
8 to REPUBLIC under the REPUBLIC CGL POLICY for the UNDERLYING ACTIONS.

9 8. Any and all DOCUMENTS regarding any denial, tender, reservation of rights
10 letter(s), or any other coverage position letters CONCERNING the UNDERLYING ACTIONS
11 issued by REPUBLIC under the REPUBLIC CGL POLICY.

12 9. Any and all DOCUMENTS CONCERNING coverage and/or potential coverage
13 under the REPUBLIC CGL POLICY for the UNDERLYING ACTIONS.

14 10. Any and all DOCUMENTS, whether in written or computerized form,
15 CONCERNING any agreement between INTERSTATE and REPUBLIC to fund the settlement of
16 the UNDERLYING ACTIONS.

17 11. Any and all DOCUMENTS, whether in written or computerized form,
18 CONCERNING any agreement between INTERSTATE and REPUBLIC regarding coverage
19 under the REPUBLIC CGL POLICY.

20 The deposition will be taken upon oral examination before a Notary Public, or other officer
21 authorized by law to take depositions in the State of California and may be recorded by a
22 videographer. The oral examination will continue from day to day at the same place, Sundays and
23 holidays excepted, until completed.

24 ///

25 ///

26 ///

27 ///

28 ///

1 A list of all parties and attorneys for parties on whom this notice of deposition is being
2 served is shown on the accompanying Proof of Service.

3 DATED: July 16, 2007.

MORALES & GARY

4
5 By: 

6 Todd B. Gary
7 Marilyn A. Rogers
8 Attorneys for Defendant
9 PACIFIC EMPLOYERS INSURANCE COMPANY
10
11

12 S:\DOCS\AC4699\NOT070716.MAR.wpd
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 *Interstate Fire & Casualty Company v. Pacific Employers Insurance Company*
2 United States District Court, Central District (Riverside County)
3 Case No. EDCV06-0593 VAP (OPx)

4 **PROOF OF SERVICE**

5 STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

6 I am employed by the Law Offices of Morales & Gary located at 2300 Contra Costa Blvd.,
7 Suite 310, Pleasant Hill, CA 94523. I am over the age of eighteen years and not a party to the
within action.

8 On July 16, 2007, I served the document(NOTICE OF TAKING DEPOSITION OF PERSON OR
9 PERSONS MOST KNOWLEDGEABLE OF PLAINTIFF INTERSTATE FIRE & CASUALTY COMPANY s) described
as: on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed
10 envelope addressed as follows:

11 **Attorneys for Plaintiff**
Interstate Fire & Casualty Company

12 James P. Wagoner, Esq.
13 Todd W. Baxter, Esq.
14 Jack S. Fischer, Esq.
15 Paul J. Whitfield, Esq.
16 MCCORMICK BARSTOW SHEPPARD
17 WAYTE & CARRUTH
P.O. Box 28912
5 River Park Place East
Fresno, CA 93729
559/433-1300
559/433-2300 Fax

Attorneys for Intervenor
Republic Western Insurance Company


Barbara J. Mandell, Esq.
Lorne Lilienthal, Esq.
MICHELMAN & ROBINSON, LLP
15760 Ventura Blvd., Suite 500
Encino, CA 91436
818/783-5530
818/783-5507 Fax

18 ■ BY U.S. MAIL: I am "readily familiar" with the firm's practice of collection and
19 processing correspondence for mailing. Under that practice it would be deposited with U.S.
20 Postal Service on the same day with postage thereon fully prepaid at Pleasant Hill, California
in the ordinary course of business. I am aware that on motion of the party served, service is
21 presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing in affidavit.

22 ■ BY FACSIMILE: I served a true and correct copy by facsimile to the number(s) listed above
or on the attached sheet. Said transmission was reported complete and without error.

23 I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct.

25 Executed on July 16, 2007, at Pleasant Hill, California.

26 
27 Maureen Davis
28

Hunter + Geist, Inc.

1900 Grant Street

Suite 800

Denver, CO 80203

Phone: (303) 832-5966 Fax: (303) 832-9525

Job #: 070718LC

Order Date: 07/18/2007

DB Ref. #:

Date of Loss: / /

Your File #:

Your Client: Pacific Employers

Invoice

Invoice #: 54390

Inv. Date: 07/23/2007

Balance: \$0.00

Bill To:

Marilyn A. Rogers, Esq.
 Morales & Gary
 2300 Contra Costa Boulevard
 Suite 310
 Pleasant Hill, CA 94523

Action: Interstate Fire & Casualty Company

VS

Pacific Employers Insurance Company**Action #: EDCV 06-0593 VAP****Rep: Lynnette L. Copenhaver****Cert:**

Item	Proceeding/Witness	Description	Amount		
1	Kevin Theil	Appearance Fee - Hourly	\$65.00		
2	Kevin Theil	Original Certified Transcript	\$719.90		
3	Kevin Theil	Exhibits	\$63.28		
<div>OK to pay mpr AID</div>					
Comments: Thank You For Your Business!			Sub Total	\$848.18	
			Shipping	\$0.00	
			Tax	N/A	
			Total Invoice	\$848.18	
			Payment	\$848.18	
Federal Tax I.D.: 84-0835207			Terms: Net 30 Days @ 1.5%	Balance Due	\$0.00

OK to
 pay MR

Please KEEP THIS PART for YOUR RECORDS.

Please FOLD then TEAR HERE and RETURN THIS PART with PAYMENT.

Bill To:**Internal File No: 01/01/1999**

Marilyn A. Rogers, Esq.
 Morales & Gary
 2300 Contra Costa Boulevard
 Suite 310
 Pleasant Hill, CA 94523

Deliver To:

Marilyn A. Rogers, Esq.
 Morales & Gary
 2300 Contra Costa Boulevard
 Suite 310
 Pleasant Hill, CA 94523

Invoice

Invoice #: 54390

Phone: (303) 832-5966

Fax: (303) 832-9525

Inv. Date: 07/23/2007

Balance: \$0.00

Job #: 070718LC

Job Date: 07/18/2007

DB Ref. #:

Date of Loss: / /

Your File #:

Hunter + Geist, Inc.

1900 Grant Street

Suite 800

Denver, CO 80203

17

RAMIRO MORALES (SBN 167947)
rmorales@moralesgary.com
TODD B. GARY (SBN 161015)
tgary@moralesgary.com
MARILYN A. ROGERS (SBN #136908)
mrogers@moralesgary.com
MORALES & GARY
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, CA 94523
Telephone: (925) 288-1776
Facsimile: (925) 288-1856

Attorneys for Defendant
PACIFIC EMPLOYERS INSURANCE COMPANY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,

Plaintiff,

vs.

PACIFIC EMPLOYERS INSURANCE
COMPANY, a Pennsylvania corporation,

Defendant.

CASE NO. EDCV06-0593 VAP (OPx)

**NOTICE OF TAKING DEPOSITION OF
KEITH KOELLER**

Date: March 29, 2007
Time: 10:00 a.m.
Location: Koeller, Nebeker, Carlson &
Haluck
3 Park Plaza, Suite 1500
Irvine, CA 92614

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant PACIFIC EMPLOYERS INSURANCE COMPANY ("PEIC"), pursuant to Federal Rules of Civil Procedure, Rule 45, will take the deposition of KEITH KOELLER at the law offices of Koeller, Nebeker, Carlson & Haluck located at 3 Park Plaza, Suite 1500, Irvine, California 92614 on March 29, 2007, at 10:00 a.m., before a Certified Shorthand Reporter.

The deposition will be taken upon oral examination before a Notary Public, or other officer authorized by law to take depositions in the State of California and may be recorded by a

1 videographer. The oral examination will continue from day to day at the same place, Sundays and
2 holidays excepted, until completed.

3 A list of all parties and attorneys for parties on whom this notice of deposition is being
4 served is shown on the accompanying Proof of Service.

5 DATED: March 9, 2007.

MORALES & GARY

6
7 By: 

8 Ramiro Morales

Todd B. Gary

9 Marilyn A. Rogers

Attorneys for Defendant

10 PACIFIC EMPLOYERS INSURANCE COMPANY

11
12 S:\DOCS\AC4699\NOT.Depo.KeithKoeller.070309.MAR.wpd
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 *Interstate Fire & Casualty Company v. Pacific Employers Insurance Company*
2 United States District Court, Central District (Riverside County)
3 Case No. EDCV06-0593 VAP (OPx)

4 **PROOF OF SERVICE**

5 STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

6 I am employed by the Law Offices of Morales & Gary located at 2300 Contra Costa Blvd.,
7 Suite 310, Pleasant Hill, CA 94523. I am over the age of eighteen years and not a party to the
within action.

8 On March 9, 2007, I served the document(s) described as:

9 (1) NOTICE OF TAKING DEPOSITION OF KEITH KOELLER; AND

10 (2) SUBPOENA IN A CIVIL CASE.

11 on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed
12 envelope addressed as follows:

13 **Attorneys for Plaintiff**

Interstate Fire & Casualty Company

14 James P. Wagoner, Esq.

Todd W. Baxter, Esq.

15 Paul J. Whitfield, Esq.

MCCORMICK BARSTOW SHEPPARD WAYTE & CARRUTH

P.O. Box 28912

16 5 River Park Place East

Fresno, CA 93729

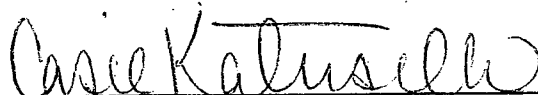
17 559/433-1300

18 559/433-2300 Fax

19 ■ BY U.S. MAIL: I am "readily familiar" with the firm's practice of collection and
20 processing correspondence for mailing. Under that practice it would be deposited with U.S.
21 Postal Service on the same day with postage thereon fully prepaid at Pleasant Hill,
22 California in the ordinary course of business. I am aware that on motion of the party served,
service is presumed invalid if postal cancellation date or postage meter date is more than one
day after date of deposit for mailing in affidavit.

23 I declare under penalty of perjury under the laws of the State of California that the
24 above is true and correct.

25 Executed on March 9, 2007, at Pleasant Hill, California.

26 
27 Casie Katusich
28

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

INTERSTATE FIRE & CASUALTY COMPANY

SUBPOENA IN A CIVIL CASE

V.

PACIFIC EMPLOYERS INSURANCE COMPANY

Case Number:¹ EDVC06-0593 VAP (OPx)

TO: KEITH KOELLER
Koeller, Nebeker, Carlson & Haduck
3 Park Plaza, Suite 1500, Irvine, CA 92614

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
Koeller, Nebeker, Carlson & Haluck 3 Park Plaza, Suite 1500, Irvine, CA 92614	3/29/2007 10:00 am

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

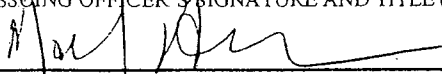
See Attachment A to this Subpoena.

PLACE	DATE AND TIME
Koeller, Nebeker, Carlson & Haluck 3 Park Plaza, Suite 1500, Irvine, CA 92614	3/29/2007 10:00 am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Defendant	3/9/2007
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
Marilyn A. Rogers Morales & Gary, 2300 Contra Costa Blvd., Suite 310, Pleasant Hill, CA 94523, (925) 288-1776	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

ATTACHMENT A

List of Documents to Produce

Keith Koeller and Koeller, Nebeker, Carlson & Haluck (hereinafter "KNCH") are requested to produce the following documents at the time of Deposition:

1. Any documents regarding, relating or referring to your and/or KNCH's investigation, handling, defense and/or settlement of the following actions (hereinafter referred to as the "Underlying Actions"):

- (1) *Socorro Mendoza, et al. v. Gonzalez, Inc. dba Golden State Transportation, et al.*, Riverside County Superior Court, Case No. 391704;
- (2) *Alfred Chacon, et al. v. Golden State Transportation Services, Inc., et al.*, Los Angeles County Superior Court, Case No. BC298227 (later filed in Riverside County Superior Court, Case No. RIC 406050);
- (3) *Maria Delgado, et al. v. Miguel Pulido, et al.*, Riverside County Superior Court, Case No. INC 037713;
- (4) *Arminda Gonzalez, et al. v. Golden State Transportation Services*, Riverside County Superior Court, Case No. INC 037910;
- (5) *Liz Huerta, et al. v. Greyhound Lines, Inc., et al.*, Los Angeles County Superior Court, Case No. BC301249 (later filed in Riverside County Superior Court, Case No. RIC406066);
- (6) *Juan Montero, et al. v. Golden State Bus Lines, Inc., et al.*, United States District Court, Central District, Case No. CV 03-6041 (later filed in Riverside County Superior Court, Case No. INC 038854);
- (7) *Jose Trinidad Romo, et al., v. Sita, Inc., et al.*, Riverside County Superior Court, Case No. INC 037382;
- (8) *Martha Vazquez, et al. v. Miguel Pulido, et al.*, Riverside County Superior Court, Case No. INC 037708; and
- (9) *Gaspar Zaragoza v. Golden State Transportation Co., Inc., et al.*, Riverside County Superior Court, Case No. INC 037760 (hereinafter jointly referred to as "the Underlying Lawsuits").

2. Any documents concerning any communications, written or verbal, regarding, relating or referring to the Underlying Actions, including but not limited to, any reports to Republic Western Insurance Company, Interstate Fire & Casualty Company and/or Fireman's Fund.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): LexisNexis File & Serve SOP Morales & Gary 2300 Contra Costa Blvd Pleasant Hill, CA 94523-3961 TELEPHONE NO.: 9252881776 FAX NO. (Optional): 9252881856 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): INTERSTATE FIRE & CASUALTY COMPANY		FOR COURT USE ONLY
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: INTERSTATE FIRE & CASUALTY COMPANY DEFENDANT/RESPONDENT: PACIFIC EMPLOYERS INSURANCE COMPANY		
PROOF OF SERVICE - CIVIL		CASE NUMBER: EDCV06-0593 VAP(OPX) Ref. No. or File No.: 14082220

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the (specify documents):
Subpoena; Attachment; Notice of Taking Deposition of Keith Koeller
3. a. Party served (specify name of party as shown on documents served):
KEITH KOELLER, NAMED DEFENDANT, A white male approx. 45-55 years of age 5'6"-5'8" in height weighing 160-180 lbs with black hair
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
3 PARK 3 Park SUITE 1500, IRVINE, CA 92614
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **3/13/2007** (2) at (time): **1:45 PM**
 - b. ☐ **by substituted service.** On (date): (2) at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person of at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PROOF OF SERVICE - CIVIL

Order No. 8205158



AO88 (Rev. 12/06) Subpoena in a Civil

PROOF OF SERVICE

DATE

PLACE

SERVED

3/13/07

3 Park Plaza, Suite 1500, Irvine, CA.

SERVED ON (PRINT NAME)

MANNER OF SERVICE

KEITH KOELLER

PERSONAL SERVICE

SERVED BY (PRINT NAME)

TITLE

RICHARD STEIBER

PROCESS SERVER

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

3/14/07

DATE

SIGNATURE OF SERVER

633 Yesler Way

ADDRESS OF SERVER

Seattle, WA. 98104

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

PLAINTIFF/PETITIONER: INTERSTATE FIRE & CASUALTY COMPANY	CASE NUMBER: EDCV06-0593 VAP(OPX)
DEFENDANT/RESPONDENT: PACIFIC EMPLOYERS INSURANCE COMPANY	

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
(1) on (date): (2) from (city):
(3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30)
(4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)
- d. ☐ **by other means** (specify means of service and authorizing code section):
- ☐ Additional page describing service is attached.

6. Person who served papers

- a. Name: Richard Steiber
b. Address: 2112 E. 4th street, suite 218, Santa Ana, CA 92705
c. Telephone number: 206-521-2947
d. The fee for service was: \$
e. I am:
(1) ☐ not a registered California process server.
(2) ☐ exempt from registration under Business and Professions Code section 22350(b).
(3) ☒ registered California process server:
(i) ☐ owner ☐ employee ☒ independant contractor
(ii) ☒ Registration No.: 1852
(iii) ☒ County: Orange

7. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or

8. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.
Date: 3/14/2007

Richard Steiber
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)



LUDWIG KLEIN REPORTERS & VIDEO, INC.
10868 KLING STREET
TOLUCA LAKE, CA 91602
(800) 540.0681 Fax (818) 508.6326

INVOICE

INVOICE NO.	DATE	JOB NUMBER
155197	07/13/2007	02-51505
JOB DATE	REPORTER(S)	CASE NUMBER
06/27/2007	HILLBR	EDCV060593V
CASE CAPTION		
INTERSTATE FIRE & CASUALTY VS. PACIFIC EMPL		
TERMS		
Net 30		

MARILYN ROGERS, ESQ.
MORALES & GARY
2300 CONTRA COSTA BOULEVARD
SUITE 300
PLEASANT HILL, CA 94523

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:
KEITH KOELLER, ESQ.

611.14

TOTAL DUE >>>>

611.14

*OK to pay
man*

THANK YOU FOR YOUR BUSINESS

WE NOW ACCEPT



TAX ID NO. : 95-3996239

(925) 288-1776

Please detach bottom portion and return with payment.

MARILYN ROGERS, ESQ.
MORALES & GARY
2300 CONTRA COSTA BOULEVARD
SUITE 300
PLEASANT HILL, CA 94523

Invoice No. : 155197
Date : 07/13/2007
TOTAL DUE : 611.14

Job No. : 02-51505
Case No. : EDCV060593VAPOPX
INTERSTATE FIRE & CASUALTY VS. PACIF

Remit To: LUDWIG KLEIN REPORTERS & VIDEO, INC.
10868 KLING STREET
TOLUCA LAKE, CA 91602

N

AC4698
Dir

(SPACE BELOW FOR FILING STAMP ONLY)

col

James P. Wagoner, # 058553
Todd W. Baxter, # 152212
Jack S. Fischer, # 171703
Paul J. Whitfield, # 241651
McCormick, Barstow, Sheppard,
Wayte & Carruth LLP
P.O. Box 28912
5 River Park Place East
Fresno, CA 93720-1501
Telephone: (559) 433-1300
Facsimile: (559) 433-2300

Attorneys for Plaintiff
INTERSTATE FIRE & CASUALTY COMPANY,
an Illinois corporation,

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,,

Plaintiff,

v.

PACIFIC EMPLOYERS INSURANCE
COMPANY, a Pennsylvania
corporation,

Defendant.

Case No. EDCV06-0593 VAP (OPx)

**NOTICE OF TAKING
DEPOSITION OF DAVID
FARRELL**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff INTERSTATE FIRE & CASUALTY COMPANY ("INTERSTATE"), pursuant to Federal Rules of Civil Procedure Rules 30 and 45, will take the deposition of DAVID FARRELL at Central Court Reporting, 1001 Fourth Avenue, Suite 3200, Seattle, Washington 98104 at 2:00 p.m. on June 11, 2007 before a Certified Shorthand Reporter.

The deposition will be taken upon oral examination before a Notary Public, or other officer authorized by law to take depositions in said State and may be recorded by a videographer. The oral examination will continue from day to day at the same place, Sundays and holidays excepted, until completed.

1 A list of all parties or attorneys for parties on whom this notice of deposition
2 is being served is shown on the accompanying proof of service.

3 Dated: May 17, 2007

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

4
5
6 By: 

James P. Wagoner

Todd W. Baxter

Jack S. Fischer

Paul J. Whitfield

Attorneys for Plaintiff

INTERSTATE FIRE & CASUALTY
COMPANY, an Illinois corporation,

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte & Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On May 17, 2007, I served the within documents:

NOTICE OF TAKING DEPOSITION OF DAVID FARRELL

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ **BY PERSONAL DELIVERY:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California addressed as set forth below.
- ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☐ **BY ELECTRONIC SUBMISSION:** per court order, submitted electronically by Verilaw to be posted to the website and notice given to all parties that the document has been served.

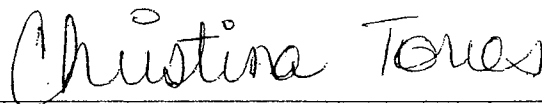
Marilyn A. Rogers, Esq.
Law Offices of Morales & Gary
2300 Contra Costa Blvd., Suite 310
Pleasant Hill, California 94523

Courtesy Copy To:
Central Court Reporting, Incorporated
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154
Telephone: (509) 457-3377

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 17, 2007, at Fresno, California.



Christina Torres

42395/00015-1084802.v1

AO88 (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

INTERSTATE FIRE & CASUALTY COMPANY

SUBPOENA IN A CIVIL CASE

V.

PACIFIC EMPLOYERS INSURANCE COMPANY

Case Number:¹ EDCV06-0593 VAP (OPx)
United States District Court for
the Central District of
California

TO: David Farrell

Bank of America Leasing
800 5th Avenue, Plaza Building
Seattle, WA 98104

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Central Court Reporting, 1001 Fourth Avenue, Suite 3200, Seattle, Washington
98104; (509) 457-3377

DATE AND TIME

June 11, 2007, 2:00 p.m.

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorneys for Plaintiff INTERSTATE FIRE & CASUALTY COMPANY

DATE

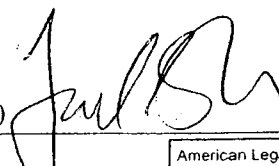
May 16, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Jack S. Fischer

McCormick, Barstow, Sheppard, Wayte & Carruth LLP
5 River Park Place East, Fresno, California, 93720

(559) 433-1300



AO88 (Rev. 12/06) Subpoena in a Civil Case

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).



Central Court Reporting

1001 Fourth Avenue, Suite 3200
Seattle, WA 98154
(206) 682-5896

No. S 25554

Federal Tax No.: 91-1709691

AC4699
OK TO PAY

INVOICE

Date: 7/10/2007

Reference No.:

TO: Mr. Todd B. Gary
Morales & Gary
2300 Contra Costa Boulevard, Suite 310
Pleasant Hill, CA 94523

Case: Interstate Fire & Casualty vs. Pacific Employers Insurance Co.

Date	Qty		Description	Amount
6/22/2007	34	pgs	One copy of the deposition of David P. Farrell (E-Transcript only)	93.50
	132	pgs	One copy of the exhibits to above deposition	39.60
			Shipping	6.00
Total				\$139.1

Thank You